

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 98-67
And Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	

**NATIONAL VIDEO RELAY SERVICE COALITION
COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION
OF COMMUNICATIONS SERVICE FOR THE DEAF, INC.**

The National Video Relay Service Coalition (the “Coalition”),¹ pursuant to Section 1.429(f) of the Federal Communications Commission’s (“Commission”) Rules,² hereby submits its comments in support of the “Petition for Reconsideration” (“CSD Petition”) filed by Communication Service for the Deaf, Inc. (“CSD”) on September 30, 2004. CSD is seeking reconsideration of the Commission’s June 10, 2004 Report and Order³ regarding the following three matters: (1) the Commission’s decision to not authorize compensation from the Interstate Telecommunications Relay Service (“TRS”) Fund for non-shared language translation in

¹ The National Video Relay Service Coalition is an *ad hoc* group that includes the following organizations: Telecommunications for the Deaf, Inc. (“TDI”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), National Association of the Deaf (“NAD”), The Association for Late Deafened Adults (“ALDA”), the American Association of People with Disabilities (“AAPD”), Deaf and Hard of Hearing in Government (“DHHIG”), the California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), the Student Body Government of Gallaudet University (“SBG”), and the Registry of Interpreters for the Deaf, Inc. (“RID”).

² 47 C.F.R. § 1.429(f).

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123, FCC 04-137 (rel. June 30, 2004) (“*TRS Report and Order*”).

connection with Video Relay Service (“VRS”) conversations between users of American Sign Language (“ASL”) and individuals who speak Spanish; (2) the Commission’s decision to extend the speed of answer waiver until January 1, 2006 or until the Commission adopts a speed of answer rule for VRS, whichever is earlier; and (3) the Commission’s decision not to permit reimbursement for the costs associated with research and development of solutions to handle emergency VRS calls.

In the October 1, 2004 “Petition for Reconsideration of National Video Relay Service Coalition” (“Coalition Petition”), the Coalition sought reconsideration of the Commission’s decision to not authorize compensation in connection with VRS conversations between users of ASL and individuals who speak Spanish. In these comments, the Coalition will address the CSD Petition as it relates to VRS speed of answer and the implementation of the handling of emergency VRS calls and will not repeat the arguments it raised in the Coalition Petition regarding Spanish VRS.

I. Speed of Answer

As discussed in the Coalition Petition,⁴ Section 401 of Title IV of the Americans with Disabilities Act (“ADA”), which was codified in Section 225 of the Communications Act of 1934, as amended (the “Act”),⁵ requires that TRS be offered and that TRS services be functionally equivalent to voice telephone services.⁶ The Coalition’s Petition also explained that VRS is a form of TRS that helps achieve functional equivalency for members of the deaf and

⁴ Coalition Petition at 6-7.

⁵ 47 U.S.C. § 225.

⁶ *Id.* at 225(a)(3).

hard of hearing populations, enabling them to better communicate with those in the hearing community.⁷

The CSD Petition explains why the speed of answer waiver was initially justified, but is no longer justified today.⁸ Although it made sense to waive the speed of answer requirement for a fledgling service so that VRS could be established, there is little justification to continue to waive the requirement for a popular service where the waiver results in substandard quality of service.

Since the VRS rate reductions have been instituted,⁹ the Coalition members and their constituents have seen a severe reduction in the quality and availability of service. These reductions have already had detrimental effects on the consumers and businesses that rely on this service. In particular, the reductions have curtailed the ability of people who are deaf or hard of hearing and their contacts to take advantage of the opportunities and benefits afforded by equal access to the telecommunications revolution.

Prior to the rate reductions, consumers expected VRS services to be available on demand, in much the same way that voice telephone consumers expect to be able to pick up the telephone and be able to communicate instantly with other voice telephone consumers. In order to achieve close to functional equivalency, VRS providers were answering VRS calls at the same speed as traditional TRS calls. Unfortunately, because of reductions in the VRS reimbursement rate, consumers of VRS have experienced a significant deterioration in service quality and

⁷ Coalition Petition at 7-8.

⁸ CSD Petition at 15.

⁹ *Telecommunications Relay Services*, Order, CC Docket 98-67, DA 03-2111, released June 30, 2003 (“*Bureau 2003 Reimbursement Order*”); *Telecommunications Relay Services*, Order, CC Docket No. 98-67, DA 04-1999, released June 30, 2004 (“*Bureau 2004 Reimbursement Order*”).

availability. Consumers often experience lengthy answer time delays,¹⁰ with wait times as long as 20-30 minutes.¹¹

To achieve functional equivalency, VRS must be readily available on-demand and must provide the ability for people who are deaf or hard of hearing and their contacts to communicate spontaneously and accurately. Because voice telephone users ordinarily obtain instant dial tone, VRS providers must answer 85 percent of all VRS calls within 10 seconds as required by Section 64.604(b)(2) of the Commission's rules,¹² or VRS will not be functionally equivalent. Since the record in this proceeding does not show any technical impediment to meeting the speed of answer requirement, it is simply unfair to VRS users and a violation of the functional equivalency requirement of the ADA to make VRS users wait 20 to 30 minutes to place a VRS call, when voice telephone users can place a call in a matter of seconds. Therefore, the Coalition supports the request in the CSD Petition to terminate the speed of answer waiver as of January 1, 2005.

II. Research and Development for the Handling of Emergency VRS calls

In the *TRS Report and Order*, the Commission decided to terminate its existing VRS waiver for emergency call handling by January 1, 2006. Voice telephone users have E911 services. Many VRS consumers have dropped their TTY landline connections in favor of VRS,

¹⁰ See, e.g., Hands On Video Relay Services, Inc., Comments on Payment Formula and Fund Size Estimate for the Interstate TRS Fund for 2004-05; Request for Full Commission Action; and Request for Designation of Evidentiary Hearing, May 24, 2004, at 9-11 ("HOVRS Comments"); Communication Service for the Deaf, Inc., Comments of CSD on Payment Formula and Fund Size Estimate Interstate TRS Fund for July 2004 through June 2005, May 19, 2004, at 9 ("CSD Comments"); Sprint Corporation, Petition for Reconsideration, July 30, 2003, at 17 (Sprint Reconsideration").

¹¹ HOVRS Comments at 3, 9-11.

¹² 47 C.F.R. § 64.604(b)(2).

so VRS is their only means of making a call in the event of an emergency. Therefore, it is critical from both a public safety point of view and to meet the functional equivalency requirement that VRS users also have E911 services, and the termination of the emergency call handling waiver is a step in the right direction.

However, the Coalition understands that the technology may not yet exist for VRS E911 to be functionally equivalent today. Therefore, simply terminating the waiver is not enough. In order to ensure that VRS emergency calls are routed to the appropriate public safety answering point (“PSAP”), the Commission must compensate VRS providers for the implementation of the technology needed for handling such calls, and part of the cost of implementation is the research and development that is needed to develop the technology. In the *TRS Report and Order*, the Commission denied research and development funding for the development of emergency VRS call handling capability on the grounds that VRS is not yet a mandated service.¹³ However, even though VRS is not yet a mandated service, if the Commission is to require emergency call handling for those offering VRS, then VRS emergency call handling is a mandated aspect of VRS. Since emergency call handling is essential to the safety of consumers who rely upon VRS, and the Commission will require emergency call handling as of January 1, 2006, it is necessary to compensate VRS providers for those costs, including research and development, that are reasonable and prudent to achieve emergency call handling.

III. Conclusion

For the reasons discussed above and in the Petition for Reconsideration of the National Video Relay Service Coalition, the Coalition urges the Commission to grant the “Petition for Reconsideration” filed by Communication Service for the Deaf, Inc. In particular, the Coalition

¹³ *TRS Report and Order* at ¶¶ 188-190.

requests the Commission to authorize compensation from the Interstate TRS Fund for non-shared language translation in connection with VRS conversations between users of ASL and individuals who speak Spanish; terminate the speed of answer waiver as of January 1, 2005; and permit reimbursement for the costs, including research and development costs, associated with the implementation of solutions to handle emergency VRS calls.

Respectfully submitted,

/S/

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Dated: November 15, 2004

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